

**Government Information (Public Access) Act 2009**  
**Explanatory Table – Penrith Stadium Redevelopment – Architectural Services**

Under the *Government Information (Public Access) Act 2009* (NSW) (**GIPA Act**), there is a general public interest in favour of the disclosure of government information. However, where there are overriding public interest considerations against disclosure, or there are commercial-in-confidence provisions, such information will not be disclosed.

In determining whether certain information in the architectural services contract for the Penrith Stadium Redevelopment Project should be disclosed, Infrastructure New South Wales (**INSW**) identified the reason(s) under the GIPA Act for each redaction and weighed each redaction against the following key public interest considerations for disclosure:

- (a) promoting open discussion of public affairs, enhancing government accountability or contributing to positive and informed debate on issues of public importance;
- (b) informing the public about operations of agencies and, in particular, their policies and practices for dealing with members of the public; and
- (c) ensuring effective oversight of the expenditure of public funds.

In determining which information should be disclosed for this project, INSW has endeavoured to ensure there is consistency and parity with the disclosure of certain kinds of information alongside previous projects disclosed by INSW under the GIPA Act. Capitalised terms in this table have the meaning given to them in the Penrith Stadium Redevelopment Project Architectural Services contract, unless the context indicates otherwise.

<b>Item</b>	<b>Clause reference and general description</b>	<b>Reasons for redaction under GIPA Act</b>	<b>Explanations of the reasons under the GIPA Act</b>
1	Key contract terms Item 2 and 4 name and telephone numbers	Section 14(2) Table Clause 3(a)  The disclosure of this information would disclose an individual's personal information.	The redacted information is references to names and contact information, which is personal information.  INSW weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because, if disclosed, it would reveal the

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			personal information of the service provider's personnel for the Project and a telephone number of a Government official.
2	Key contract terms Item 18 limit of service provider's liability	Section 14(2) Table Clause 4(b) (c) (d)  The disclosure of the information would reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests	The redacted information is the service provider's limitation of liability under the contract.  INSW weighed the competing public interest considerations and determined that disclosure of this information would: <ul style="list-style-type: none"> <li>• illustrate the risk allocation between the parties which may prejudice the parties in future negotiations on similar projects, as it would reveal the level of risk the parties are willing to accept. This reduces the competitive commercial value of the information to the parties and prejudices their legitimate business and commercial interests; and</li> <li>• place the service provider at a commercial disadvantage in negotiations with any subcontractors who would be aware of items which the service provider is unable to concede in order to comply with this contract.</li> </ul> INSW considers that any public interest in favour of the disclosure of this information is not significantly advanced by the

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			disclosure of this information and is outweighed by the public interests against disclosure outlined above.
3	Key contract terms Item 19 Insurance	Section 14(2) Table Clause 4(b) (c) (d)  The disclosure of the information would reveal commercial-in-confidence provisions of a government contract, diminish the competitive commercial value of information to a person and prejudice a person's legitimate business and commercial interests.	The redacted information contains dollar amounts which relate to various categories of insurance the service provider is required to effect.  INSW weighed the competing public interest considerations and determined that disclosure of this information would reveal: <ul style="list-style-type: none"> <li>• insight into insurance premiums required to be paid by the service provider. These premiums represent a cost in performing the service provider's obligations under the contract and therefore would reveal the service provider's cost structure and profit margins;</li> <li>• the quantity of the insurance the service provider effects which may be taken as an indication of the risk allocation of the service provider. This may provide insight into the service provider's financial arrangements and prejudice the business, commercial and financial interests of the service provider.</li> </ul> Knowledge by other organisations of the service provider's obligation to provide

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			<p>insurance may have an adverse impact on the service provider's ability to negotiate other contracts and diminish the competitive commercial value of that information to the service provider.</p> <p>INSW considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against the disclosure identified above.</p>
4	Execution page Signatures and names	<p>Section 14(2) Table Clause 3(a)</p> <p>The disclosure of this information would disclose individuals' personal information</p>	<p>The redacted information is references to names and signatures of private sector individuals.</p> <p>INSW weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because, if disclosed, would reveal the personal information of representatives of the service provider and INSW.</p>
5	Schedule 3 scope of services	<p>Section 14 Table, clauses 4(b), (c) and (d)</p> <p>The disclosure of this information could reasonably be expected to reveal the intellectual property in which the service provider has an interest. Also, it would disclose the service provider's methodology and planning arrangements and place the service provider at a</p>	<p>The redacted information contains programming and planning which is commercial information that is the intellectual property of the service provider.</p> <p>INSW weighed the competing public interest considerations and determined that disclosure of this information would:</p>

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		<p>commercial disadvantage in relation to other service providers or potential service providers.</p> <p>The disclosure of this information could be reasonably expected to reveal commercial-in-confidence provisions of a government contract and prejudice the service provider's legitimate business and commercial interests</p>	<ul style="list-style-type: none"> <li>• reveal the service provider's planning methodology and know-how, which would prejudice its legitimate business and commercial interests; and</li> <li>• place the service provider at a commercial disadvantage with any subcontractors and INSW's contractors for the Project, in respect of whom the service provider's role includes coordination and integration.</li> </ul> <p>INSW considers that any public interest in favour of the disclosure of this information is not significantly advanced by the disclosure of this information and is outweighed by the public interests against the disclosure identified above.</p>
6	Appendix 3 Fee Details	<p>Section 14 Table, clauses 4(b), (c) and (d) Section 14(2) Table Clause 3(a)</p> <p>The disclosure of this information could reasonably be expected to reveal the intellectual property in which the service provider has an interest. Also, it would disclose the service provider's methodology and planning arrangements and place the service provider at a commercial disadvantage in relation to</p>	<p>The redacted information is commercial information about pricing, hourly rates, planning and allocation of resources, which is the intellectual property of the service provider. It also contains personal information of representatives of the service provider.</p> <p>INSW weighed the competing interest considerations and determined that disclosure of this information would:</p>

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		<p>other service providers or potential service providers.</p> <p>The disclosure of this information could be reasonably expected to reveal commercial-in-confidence provisions of a government contract and prejudice the service provider's legitimate business and commercial interests</p> <p>The disclosure of names of the service provider's personnel would disclose personal information.</p>	<ul style="list-style-type: none"> <li>• reveal the service provider's planning methodology and know-how re the design, staging and estimate of quantities for its services, which would prejudice its legitimate business and commercial interests;</li> <li>• reveal the service provider's resourcing and fee proposal, pricing model and cost structure, and its payment milestones, which would prejudice its legitimate business and commercial interests;</li> <li>• place the service provider at a commercial disadvantage with other contractors for the Project and the service provider's competitors.</li> </ul> <p>The effect of release of this information would be to diminish the commercial value of the information to the service provider and prejudices its business and commercial interests.</p> <p>INSW considers that any public interest in favour of the disclosure of this commercial information is not significantly advanced by its disclosure, and is outweighed by the public interests against the disclosure identified above.</p>

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			<p>In relation to names of the service provider's personnel, INSW weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because, if disclosed, it would reveal the personal information of those individuals.</p>
7	Schedule 14 Key Personnel	The disclosure of this information would disclose individuals' personal information	<p>The redacted information is references to names of private sector individuals.</p> <p>INSW weighed the competing public interest considerations and determined that there was an overriding public interest against disclosure of this information because, if disclosed, would reveal the personal information of representatives of the service provider.</p>